



Roswell Planning & Zoning Commission Minutes

Tuesday, August 23, 2016 - 6:00 PM

Bassett Auditorium, Roswell Museum and Art Center

100 West 11th Street

Chair: Ralph Brown, Vice Chair: Riley Armstrong

Members: Shirley Childress, Toby Gross, David Storey,
Kent Taylor, Jessie McDaniel

Planning Staff: Merideth Hildreth, AICP

William Morris, AICP, CZO

Louis Najjar, PE

A. CALL TO ORDER AND WELCOME – Chair Ralph Brown

A regular meeting of the Planning & Zoning Commission was called to order at approximately 6:01 p.m. by Chair Brown with the following members present:

B. ROLL-CALL

Ralph Brown (Chair)	PRESENT
Riley Armstrong (Vice Chair)	PRESENT
Toby Gross	PRESENT
Shirley Childress	ABSENT
David Storey	ABSENT
Kent Taylor	ABSENT
Jesse McDaniel	PRESENT

Staff Members Present: Merideth Hildreth, AICP, Current Planning Administrator; and William Morris, AICP, CZO, Planning Manager; Louis Najjar, P.E., Director of Planning & Engineering

Audience Members Present: Larry C Parker, Nathan Therrien, Bryan Bunney, Larry LaDunz, Amanda Holley, John Holdson, Irene Gonzales, Rudy Gonzales, Meighan Sales, Josep Linville, Margie Linville, Steve Therrien, Christopher Fujishin, Jim Morgan, Court Nichols, George Ross, Zach Therrien, Jessica Therrien

C. SWEARING IN: Chair Brown swore in staff and members of the audience.

Chair Brown reminded the audience of a three-minute speaking time limit.

Any appeals are due by noon in writing to the City Clerk this Thursday.

- D. APPROVAL OF THE AGENDA**
MOTION to Approve the Agenda as written by Commissioner Gross.
Second by Commissioner Armstrong.
The motion passed by a vote of four to zero.
- E. MINUTES: Consider approval of the July 26, 2016 minutes.**
MOTION to Approve the July 26, 2016 Minutes by Commissioner Gross.
Second by Commissioner Armstrong.
The motion passed by a vote of four to zero.
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F. PUBLIC HEARING ITEMS:

1. **CASE 16-11 VAR: A Request for Variance to Locate Off-Premise Sign**, Subd: ORIGINAL ROSWELL Block: 15 Lots: 1, 2, & 3, known as 220 East 2nd Street, Blue Sky Property Holdings, LLC/Owner.
Attached: (A) Application; (B) Staff Summary; (C) Letter Notifying Surrounding Property Owners; (D) Chaves County Assessor's Map Identifying Properties with the Notification Area; (E) List of Property Owners Notified

Motion to Waive the Reading of the Finding of Facts with Respect to Case 16-11 by Commissioner Armstrong.
Second by Commissioner Gross.
The motion passed by a vote of four to zero.

Chair Brown: Is there anyone wishing to speak in favor of 16-11?

Court Nichols: I am the applicant for the Variance. I own 3rd Street Station at the corner of 3rd and Railroad, and want to put sign up to draw people back into the Railroad District.

Commissioner Armstrong: Is that the sign currently up on the corner of the Roswell Trading Company?

Mr. Nichols: Right, yes Sir.

Commissioner Armstrong: Is that the sign for the case in question?

Mr. Morris: That's the sign in question. It was put up after the case had been filed for a variance. We are trying to get a variance for this sign because of the unique circumstances this business represents as its location in an adopted redevelopment area for the City, that's why (Staff recommends) approval, otherwise he would have to take it down.

Commissioner Armstrong: That's why you need our permission?

Commissioner Gross: Is this case before us because of Code Enforcement caught it?

Mr. Morris: This has been back and forth. The issue is there are other off-premise signs in the area - billboard signs. Our Code treats these little standard off-premise signs in the same vein as it treats a 640 square foot bill board, which is really what the intent of the code I believe was supposed to be. We know the unique circumstance of this business because it's not located on an arterial, it's located internal to the block and is a unique circumstance. (The City has) a vested interest in trying to maintain businesses in the interior of the Rail Road MRA that was just adopted. We feel it is absolutely critical that folks can find this place down that road. That is the basis.

Chair Brown: Anyone else in favor of Case 16-11?
None spoke.

Anyone against 16-11?
None spoke.

Any further discussion?

Mr. Morris: I believe everything stated is in the Staff Report. This is a relatively small sign. It is necessary for this business and trying to re-establish a redevelopment area that the City is trying to upgrade.

MOTION FOR CASE 16-11

Commissioner Armstrong made a motion regarding Case 16-11 based on finding of facts and the testimony provided that we approve the requested variance for an off-premise sign.

Second by Commissioner Gross

The motion passed by a vote of four to zero.

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2. **CASE 16-12 CUP: A Request for Conditional Use Permit for Dirt Track for Stock Car Racing and Motor Sport Events including Motor-Cross, Mud Bogs, Tractor and Truck Pulls, Subd: TOWNSEND SUMMARY PLAT Lot: A Quarter: SW: S: 4 T: 11S R: 24E, known as 1005 S Atkinson Avenue, Therrien/Owner.**

Attached: (A) Application; (B) Staff Summary; (C) Letter Notifying Surrounding Property Owners; (D) Chaves County Assessor's Map Identifying Properties with the Notification Area; (E) List of Property Owners Notified; (F) Sample Photos from a Different Track; (G) One Letter of Opposition; (H) Two Letters of Affirmation

Motion to Forgo the Reading of the Finding of Facts with Respect to Case 16-12 by Commissioner Armstrong.
Second by Commissioner Gross.
The motion passed by a vote of four to zero.

Chair Brown: Is there anyone wishing to speak in favor of 16-12?

Larry Parker: Handed out handouts to the Commissioners and staff and displayed a large map of the area.

What we are proposing is to add to the event center. Three years ago, the owner Steve Therrien, started having some mud bogs. What we are proposing is a dirt track, a stock car type place, and other motor sports – tractor and truck pulls, motor cross. There used to be a track here years ago at the fairgrounds. Steve's got 25 acres we could house that type of stuff.

This packet addressed items in the staff report.

- A. Provide structural analysis. We haven't found a common engineering structure for a fence. I don't have a structural analysis, there are some photos. Our proposal. Red line (indicates) the safety fence to protect spectators.

Fence in photo is from Alabama. We are proposing a concrete wall 4 foot in height and an 8 foot fence with catch cables every 2 feet. This construction is similar to that at other tracks. The portion of the track in yellow will be the guard rail. We have state highway department type guard rail. Photos from Artesia with bill boards – we will have a double guard rail with telephone poles behind with catch cables.

- B. Provide documentation and Engineering Analysis. The dirt track will keep speeds down; it's a one-quarter mile track. Track is 100 foot wide track. We won't be racing that many cars at a time to take up the whole track.
- C. Mitigation of Noise Plan. Joe can talk about the type of equipment to deal with noise from vehicles. On the south end of the property, where most of the homes are, there is a metal barrier fence to help with sound. We will put same type of construction on the north to help reduce noise if approved. It is a racecar track, there will be some noise.
- D. Mitigation of Smoke and Dust. I don't see where smoke is an issue. May be temporary smoke occasionally. These guys like to race on moist type track, will keep it moist and keep the dust down. The parking area may have some dust. The parking area approved for mud bog is millings, and sprayed emulsion. We will have that type to mitigate dust. Basic gravel or millings as this grows. Future plans to continually expand parking as necessary.

Fire Hydrant on site is just south of the track. The owner owns a water truck. I don't like dust myself, I don't think it will be a problem during events. Wind storms we can't help. For our event, we will mitigate dust with water.

- E. Engineering Plans for Paved Parking. Hot mix parking lot through millings. Louis can tell you about this stuff. Six inches of base and 2 inches of hot mix is out of the question. Pedestrian concrete or hot mix. We hope to get approval of what is there before. We will have parking lot attendants. We have striping for ADA.
- F. Parking Lot Striping Plans, I think you can see south of the Bleachers the stripes for ADA plan. We did before for mudbogs. We can keep those freshened up and add spaces if needed.
- G. Circulation Plan. Entrance on Atkinson at double gate. This will be a 2-way at gate. I don't anticipate a traffic problem on Atkinson. There are adjacent easements on North and South Atkinson. Mr. Therrien owns the building north of John Deer and could stage people and park people in that area.
- H. Provide Plans for ADA Accessible Restroom Facilities. We will start with port-a-potties.
- I. Concession Area Plans. Mr. Therrien has a couple of food trailers that we will start off with.
- J. Signage and Wayfinding. We will keep general public away from pit. Two types of tickets, general admission and pit pass. There will be attendants directing people.
- K. Sanctions and Rules. Will say on the sheets in the packet. That section addresses this. There are 2 types of organizations for stock car racing. Every kind of rule and track official.
- L. Safety. Every track has the same kind of inspection. We will do it by the book and not have outlaw racers. Safety equipment for cars and drivers. There are guys from Eunice, Hobbs, Las Cruces, El Paso who want to race every weekend.
- M. Insurance. We've talked to a national insurance group – we're finding out what the City will require and insurance will require.
- N. Schedule. Events will be done by 11 (p.m.). Two or 3 hours is about all folks can stand. Maybe propose some daytime stuff.

Chair Brown: I gave you more than 3 minutes to address these things.

Commissioner Gross: I know from racing history, people come in motor homes. Are you going to allow people to camp out and race?

Mr. Parker: That might be in long term plans with some hookups. I think it would be a good option if allowed.

Commissioner Gross: Dry camping is allowed at fair grounds.

Mr. Parker: Dry camping uses generators.

Chair Brown: You're not asking for this?

Mr. Parker: Not at this time unless allowed. Our main objective is to get this approved.

Joe Linville: They (racers) want to come to Roswell, New Mexico.

Bright lights. We have to have lights. We will open gates at 5. Racing starts at 7.

One class of cars one weekend, another class on a different weekend.

For disorderly conduct, there is a fine in the rules. Will be escorted off by police or our security. Before they can participate again, whether spectators or racers, they have to pay a fine.

Chair Brown: Anyone else wishing to speak in favor.

Jim Horgan, I have property directly south. My mother in law lives in house. The backyard is 30 feet from the fence. She doesn't hear the noise or have dust. Many people would like this. Mr. Therrien has been here for 2 years and the mudbogs have been free for kids. There's a lot of people in Roswell who can't afford to take families to an event.

John Holse, Original resident of Roswell. Left area and have been involved in events. There's a well-known band in Iceland that wants to come and play, and other bands I've been involved with. Tourism and money. This town didn't have a lot of events. They can get involved in cars and business. On a business end, it's a no brainer to invest in your town. I have a hotel key, I'm staying here in a hotel to talk about this. Hometown event. It makes perfect sense. I helped create one of the first motorcycle rallies in India. They didn't like it first, now they love it.

Chair Brown: Is there anyone wishing to speak against or have comments or questions regarding Case 16-12?

Irene Gonzales: (Provided a petition with signatures of people in close proximity of the track that wanted to go on record as Opposing the proposed Conditional Use Permit). I'm not against the event coming to Roswell. I feel like it is in the wrong area. It is light industrial. Read the part of the code in I-1.

He talked about putting mufflers on the cars. Are they put on the tractors? The pulls?

We have properties at 909, 907, and 911 S Atkinson. Tenants have called to complain about the loud music. We talked to a lot of the area residents, there are people opposed.

The Parkers said their dogs (are distressed) – it's disruptive to animals.

Why not consider the abandoned (track) or the fair grounds.

He said he doesn't know what it will lead to. We need to know.

I'm speaking against it because it doesn't fit with this area. Use a place where it fits more appropriately. I live at 1413 South Missouri. That little light at the school on S Washington is the sign from the school and this is small in comparison.

Some neighbors have already complained. If you have to raise your voice to speak, a tenant who is a police officer said it's against the noise ordinance

Mr. Morris read the meeting notification. If the sum of written objections received is more than 20% of land owners, it requires a favorable vote of two-thirds of all Planning & Zoning Commission members.

Written protests exceeding twenty percent (20%) of property owners within the 100 foot notification area against a proposed case requires a two-thirds vote of all Commission members for approval.

Mr. Morris, By our math, it is (written protests received) is below twenty percent. We think it's below 20% (of property owners in opposition) within the 100 foot notification area.

Commissioner McDaniel: To the proposed billboard area north and west. Will the billboards be there ahead of time?

Mr. Linville: They will be there ahead of time and they will help with the noise.

Commissioner McDaniel: How tall?

Mr. Linville: Fifteen feet tall on the north and east.

Commissioner McDaniel: Can we regulate if they do or don't do if we approve?

Mr. Linville: We will do what we need to do to benefit everyone around us. She (Mrs. Gonzales) mentioned some people sneaking in through the fence. Billboard (fences) will help keep people from sneaking in.

Chair Brown: There are checks and balances.

Commissioner McDaniel: On east of farm field, is there access?

Mr. Linville: There is a 6 foot high chain link fence around it. That orange line will represent the billboard and advertising area.

Commissioner Armstrong: What year did the track start?

Mr. Linville: 2012.

Commissioner Armstrong: Louise, have there been any complaints at the time about the noise?

Mr. Najar: Nothing came to engineering or zoning.

Commissioner Armstrong: Concerns that you have addressed are noise and dust. I think you have done a good job addressing this.

Is there anyway to do this at 1 or 2 in the afternoon and shut it down at 7 in the evening?

Mr. Linville: Heat during the day (is not good) for cars running at 7000 rpms and a lower gear. In the cooler part of the day there is less wear and tear on engines. In the heat of the day, water will evaporate faster and will have a dust problem.

Jennifer Therrien: We had a monster truck event with 10,000 people and didn't have a complaint.

Commissioner Armstrong: Are you addressing people trying to sneak in from other areas?

Mr. Linville: If we see that, we invite them in. We don't allow that, and we have people to monitor that.

Mr. Parker: The map shows the boundary. The north lots are vacant, so they line up along the fence.

Commissioner Brown: Any questions? Anyone else who wants to speak in favor or against CASE 16-12? Louis?

Mr. Najjar: I did research. There are over 800 of these tracks in the nation. These guys are trying to adopt association rules. I want to echo Commissioner McDaniels. The north and west should be fenced off for noise. When the Monster Trucks event was advertised on the radio, I didn't hear any complaints. I assume there is no alcohol. That would require a license. Most of injuries are to drivers, not audience.

Mr. Morris: Staff put a lot of time and effort into this. The conditions placed here are more than on most other uses. Noise, safety of spectators, lights. We try to make this the least intrusive as possible. At its core, it is an industrial area.

Commissioner Armstrong: Larry, do you understand you will have to abide by these items listed?

Mr. Parker: Yes.

Commissioner Armstrong: You need staff's okay before you start. This only goes to City Council if appealed?

Mr. Morris: Yes.

MOTION FOR CASE 16-12

Commissioner Armstrong made a motion to approve Case 16-12 with the following provisions that have been recommended by Staff for those Items A thru N in addition to consideration of changing the north and west barriers to include those billboards, based on finding of facts, testimony this evening, and in addition for the City to monitor progress to make sure the items A thru N are being met.

Second by Commissioner McDaniel.
The motion passed by a vote of four to zero.

- 3. CASE 16-13 CUP: A Request for Conditional Use Permit to Park a Boat with Trailer in Front Driveway, Subd: SOUTH HIGHLANDS HIGH SCHOOL Block: 3 Lot: 9, known as 607 W Church Street, Fujishin/Owner.**
Attached: (A) Application; (B) Staff Summary; (C) Letter Notifying Surrounding Property Owners; (D) Chaves County Assessor's Map Identifying Properties with the Notification Area; (E) List of Property Owners Notified

**Motion to Waive the Reading of the Finding of Facts with Respect to Case 16-13 by Commissioner Armstrong.
Second by Commissioner Gross.
The motion passed by a vote of 4 to zero.**

Chair Brown: Is there anyone wishing to speak in favor of 16-13?

Chris Fujishin: Property owner at 607 West Church Street. I was unaware there were certain restrictions to park a trailer on own property. I would like to be considered for the application.

Mr. Morris: With respect to findings, all trash must be removed from the boat and surrounding area.

Mr. Fujishin: I cleaned up the area before coming in today.

Commissioner Armstrong: There was one protest letter. Were there any others?

Ms. Hildreth: Just the one letter.

Commissioner Armstrong: There are other places to store boats.

Mr. Fujishin: We moved across country and took a pay cut. Storing other vehicles elsewhere cost \$45.00 a month in storage fees.

Commissioner Gross: Is this for a long term or short term?

Mr. Fujishin: Storage is for longer term.

Chair Brown: I'd feel better if this was for 6 months or a year, not 20 years.

Commissioner Armstrong: if we do this on a short term basis, maybe you can afford to store it in time.

Commissioner Gross: If we allow you to do this, then the neighbors can petition for the same thing

Commissioner McDaniel: Can you put it (the boat) in the back?

Mr. Fujishin: There is a 5 foot concrete fence in the back.

Commissioner McDaniel: I would be more comfortable with a year.

Chair Brown: I feel like you can find another solution in 6 months.

Mr. Fujishin: A neighbor down the road has had a boat in the driveway for 20 years.

Commissioner McDaniel: Was it a complaint by a neighbor?

Mr. Fujishin : A complaint by neighbor, I believe.

Chair Brown: Louis?

Mr. Najar: I agree with the direction you are going. I too, am a boat owner and have a cinderblock fence and put in a gate and a slab.

Mr. Fujishin: The alley is rather narrow. I would have to have a 15 foot gate.

Mr. Najar: That's why I put in concrete to maneuver it better.

Mr. Fujishin: Would you consider an extension in 6 months.

Commissioner McDaniel: I think you should have a solution in that time.

Mr. Morris: Six months I think would be appropriate.

Chair Brown: Is there anyone wishing to speak against or have comments or questions regarding Case 16-13?

None spoke.

MOTION FOR CASE 16-13

Commissioner Armstrong made a motion to approve Case 16-13 request based on finding of facts and discovery with the stipulation that this Conditional Use Permit be only for six (6) months beginning today and ending at the end of six (6) months, at that time the applicant would have to find other solutions.

**Second by Commissioner McDaniel.
The motion passed by a vote of four to zero.**

4. PROPOSED TEXT AMENDMENT TO THE CITY'S ZONING ORDINANCE TO BE CONSIDERED: Consideration of Recommending Approval for Creation of a New Zoning District under ARTICLE 18: CO-1 COMMERCIAL OFFICE DISTRICT:

Chair Brown: Bill Morris to present the text amendment.

Mr. Morris: This is proposed text amendment to City's Zoning Ordinance for consideration of adoption. (This text) is to create an office district for professional office uses next to residential. I look at them as complimentary uses because people are gone during the day and come home when the office is closing.

We are trying to keep design standards including parking areas in rear and side yards instead of front as is typical in commercial. Trying to keep height down and lighting at 20 feet instead of 35 feet. Staff report on design – buildings cannot be metal buildings, roof standards pitched or appeared to be pitched similar to a typical of a house. To create a district that is surrounded by residential and is perfect for office works better if it looks and acts more like residential. Window standards and colors to look more like residential with earth tones. Take a non-residential use and make it look more like residential. It's common in other areas to have office next to residential.

Commissioner McDaniel: Do you have areas?

Mr. Morris: To get this into your toolbox.

If (the square footage of a proposed office) building is bigger than R-3 or R-4, the only option is commercial zoning. An office fits well with residential because it's not a night time use. This includes the same sign limitation as in R-3 for a monument sign (and not a pole sign).

Chair Brown Is there anyone wishing to speak in favor of this proposed text amendment to create a Commercial Office District?

None spoke.

Chair Brown: Is there anyone wishing to speak against or have comments or questions regarding this proposed text amendment to create a Commercial Office District?

None spoke.

Gross: I'd like to know Mr. Najar's opinion?

Mr. Najar: I'm for it. Some sort of conceptual design, especially for 600 acres at OMA. As a developer, what do you think?

Commissioner Gross: It's another tool in my box

MOTION FOR TEXT AMENDMENT TO CREATE COMMERCIAL OFFICE DISTRICT C0-1

Commissioner Armstrong made a motion to move this to agenda item for the creation C0-1 to the Council with a favorable vote of the proposed text amendment to create a Commercial Office District.

Second by Commissioner Gross.
The motion passed by a vote of 4 to zero.

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5. PROPOSED TEXT AMENDMENT TO THE CITY'S ZONING ORDINANCE TO BE CONSIDERED: Consideration of Recommending Approval for Creation of eight RESERVE ARTICLES and to Renumber Articles following ARTICLE 18 incorporating new Reserve Articles in the Zoning Ordinance.

Chair Brown: Bill Morris will present the text amendment.

Mr. Morris: We stacked all the Articles together, (and didn't create any reserve sections. This amendment will create reserve articles in the Zoning Ordinance.)

Chair Brown Is there anyone wishing to speak in favor of this proposed text amendment to create additional Reserve Articles and Renumber Articles in the Zoning Ordinance?

None spoke.

Chair Brown: Is there anyone wishing to speak against or have comments or questions regarding creating additional Reserve Articles and Renumber Articles in the Zoning Ordinance?

None spoke.

MOTION FOR TEXT AMENDMENT TO CREATE RESERVE ARTICLES IN THE ZONING ORDINANCE AND RENUMBER THE ARTICLES

Commissioner Armstrong made a motion to recommend moving Item #5 to City Council with a favorable vote for the proposed text amendment to create additional Reserve Articles and Renumber Articles in the Zoning Ordinance.

Second by Commissioner Gross.
The motion passed by a vote of 4 to zero.

G. OTHER BUSINESS

H. PUBLIC COMMENTS

I. ADJOURN

The meeting adjourned at 7:42 p.m.